

EXHIBIT 4

ORIGINAL

VOLUME I

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

NORTHERN DIVISION

EQUAL EMPLOYMENT

:

OPPORTUNITY COMMISSION

:

Plaintiff

:

Civil Action

vs.

:

No. WMN-01-2872

WARFIELD-ROHR CASKET

:

COMPANY, INC.,

:

Defendant

:

Deposition of FREDERICK W. KUEHNL, taken on

Thursday, May 16, 2002, at 9:40 a.m., at 300 E.

Lombard Street, Baltimore, Maryland before

Lolita Morris, Notary Public.

Reported by:

Lolita Morris

SALOMON REPORTING SERVICE, INC.

200 East Lexington Street, Baltimore, Md. 21202

(410) 539-6760

FAX (410) 539-8696

1 A. Back from when I took over.

2 Q. Did that ever change, over time?

3 A. Not really, no. It never changed.

4 Q. Did you have discussions with Mr. Ayres
5 over the years about vacation or about the hours
6 that you worked?

7 A. He always okayed it.

8 Q. And did there come a time when a firm
9 vacation policy was established at Warfield-Rohr?

10 A. In November.

11 Q. That was the November prior to your
12 leaving?

13 A. Yes.

14 Q. I show you what has been previously
15 marked as Mr. Ayres's Deposition Exhibit Number
16 12. Have you ever seen this memorandum before?

17 A. Yes, this was given to me.

18 Q. On or about November 26th, 1999?

19 A. Yes.

20 Q. Was this the first time that you learned
21 of the company's policy about vacations?

1 A. Yes.

2 Q. And were you upset by this policy?

3 A. Yes.

4 Q. Why is that?

5 A. Because I had talked to Howard when we
6 were building a home in Delaware and I told him
7 that there would be some days that I want to save
8 my days and take as vacation, if I had to be
9 called down there if the builder needed
10 something. He okayed it, and then he puts this
11 memorandum up.

12 Q. And when were you building a house in
13 Delaware?

14 A. I'd say a year and a half, two years,
15 and it went on until last August.

16 Q. I'm sorry, can you tell me the date when
17 the construction started?

18 A. I would say two years. I can't say the
19 date.

20 Q. It started in 2000?

21 A. Yes.

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1 worked on them and we worked on them together.

2 Q. Okay. Take a look at Exhibit 27.

3 (Whereupon, Kuehnl Deposition
4 Exhibit No. 27, excerpt from diary, was marked.)

5 Is that an excerpt from your diary?

6 A. Yes.

7 Q. Look at the circled entry on 4/20/2000.

8 A. Yes.

9 Q. Why don't you read that for us?

10 A. "Went with J.R. to set up casket
11 showroom. Asked him if Howard wanted me to
12 leave, he said no way."

13 Q. And that's the conversation that you
14 mentioned earlier?

15 A. Yes.

16 Q. Take a look at Exhibit 28.

17 (Whereupon, Kuehnl Deposition
18 Exhibit No. 28, final journal entry, was marked.)

19 A. Yes.

20 Q. Is this the final journal entry for the
21 final series of journal entries?

1 A. Yes, the day before. I mean, the day of
2 my termination.

3 Q. And the note underneath, 4/28/2000, is
4 what you wrote about your meeting with Mr. Ayres,
5 once he terminated you?

6 A. Yes.

7 Q. And this is a two page exhibit, correct?

8 A. Yes.

9 Q. And your note from the 28th carries over
10 to the second page, about four lines, is that
11 correct?

12 A. Yes.

13 Q. And the next note is separated by a
14 blank line. Is that a separate note done at a
15 different time?

16 A. Yes, that was when J.R. called, when I
17 talked to J.R.

18 Q. When was that note written?

19 A. I think that was Sunday.

20 Q. Read the note over and see if that
21 refreshes your recollection of when the note was